

REMARKS

In the November 6, 2008 Office Action, claims 5-7 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the November 6, 2008 Office Action, Applicants have amended claims 5 and 7 as indicated above. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claims 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Unezaki et al. (JP 2002-357337-A, hereinafter "Unezaki"). Also, on pages 2-3 of the Office Action, claims 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Taira et al. (U.S. Patent No. 5,806,329, hereinafter "Taira"). In response, Applicants have amended independent claims 5 and 7 to define the present invention more clearly over the prior art of record.

In particular, independent claim 5 now recites ***an air conditioner updating method having first, second, third, and fourth steps, and executed in order***. Claim 5 now also recites that ***the existing refrigerant piping is connected to the heat source unit and the oil collecting device since the second step to the fourth step***. Applicants respectfully assert that Unezaki and Taira both ***fail*** to disclose or suggest this step.

Specifically, Unezaki discloses that the heat source unit (namely the piping washing station 11 or 28 of the Unezaki invention) and/or the oil collecting device (namely the mineral oil recovery system 31, which has the separation recovery system 9, of the Unezaki invention) are ***removed and disconnected*** when the washing process is finished. Also, Taira merely discloses an air conditioner and washing operation of the air conditioner. Taira does ***not*** disclose any steps for updating an existing air conditioner, and does ***not*** disclose the structure that the heat source unit (namely a control unit 50 of the Taira invention) and the oil collecting device (namely a receiver 12 of the Taira invention) have been connected with the existing refrigerant piping from the second step to the fourth step. Furthermore, Taira is ***absolutely silent*** with regard to ***a new working refrigerant that serves as a cleaning agent comprising an HFC refrigerant containing at least 40 wt% of R32 but containing no R134a refrigerant***, as recited in independent claim 5. In contrast, the heat source unit as well

as the oil collecting device of the present application stay connected in the steps of the updating of the air conditioner once the heat source unit and the oil collecting device are connected with the existing refrigerant piping in the second step and the existing air conditioner that has a new working refrigerant that serves as a cleaning agent comprising an HFC refrigerant containing at least 40 wt% of R32 but containing no R134a refrigerant in the third step. Applicants respectfully assert that these unique series of steps and arrangement are **not** disclosed or suggested by Unezaki and Taira.

Independent claim 7 now recites that ***the oil collecting device includes an oil collecting container, an inlet pipe, an inlet valve, and an outlet pipe therein.*** Applicants respectfully assert that Unezaki and Taira both **fail** to disclose or suggest this structure. The Office Action states that Unezaki shows so-called oil collecting device 9 and Taira shows so-called oil collecting device 12. However, there is **no** specific disclosure that the oil collecting devices of Unezaki and Taira include *an oil collecting container, an inlet pipe, an inlet valve, and an outlet pipe therein.*

Also, independent claims 5 and 7 now recite that a working refrigerant containing an existing ***mineral-oil-based*** refrigerant oil. Applicants respectfully assert that Taira does **not** disclose or suggest this composition or an equivalent thereof.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose **each** element of the claim within the reference. Therefore, Applicants respectfully submit that claims 5 and 7, as now amended, are **not** anticipated by the prior art of record.

Moreover, Applicants believe that the dependent claim 6 is also allowable over the prior art of record in that it depends from independent claim 5, and therefore is allowable for the reasons stated above. Also, the dependent claim 6 is further allowable because it includes additional limitation. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 5, neither does the prior art anticipate the dependent claim.

Applicants respectfully request withdrawal of the rejections.

Appl. No. 10/521,020
Reply to Office Action of November 6, 2008
Amendment dated February 4, 2009

Conclusion

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 5-7 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/Yoshiko Sugahara /
Yoshiko Sugahara
Limited Recognition No. L0395

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: February 4, 2009

S:\02-FEB09-YS\DK-US030061 Amendment (revise3).doc